

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

JAN BUTLER,

Plaintiff,

v.

JO ANNE B. BARNHART, Commissioner of  
Social Security,

Defendant.

CASE NO. C06-5373 FDB

ORDER ADOPTING REPORT  
AND RECOMMENDATION TO  
REVERSE DECISION OF THE  
COMMISSIONER AND  
REMAND FOR FURTHER  
CONSIDERATION


This matter comes before the Court on the Report and Recommendation of the Magistrate Judge that the decision of the Commissioner determining Ms Butler to not be disabled be reversed and the matter be remanded to the administration for further consideration before a new administrative law judge. The Commissioner has not filed objections to the Report and Recommendation.

The Court, having reviewed Plaintiff's complaint, the Report and Recommendation, and the remaining record, does hereby find and ORDER:

- (1) The Court adopts the Report and Recommendation;
- (2) The ALJ erred as described in the report;
- (3) The matter is therefore **REMANDED** to the administration for further consideration as directed in the report; and
- (4) The Clerk is directed to send copies of this Order to Plaintiff's counsel, Defendant's counsel

1 and Magistrate Judge J. Kelley Arnold.

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3 DATED this 2<sup>nd</sup> day of March, 2007.

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9 FRANKLIN D. BURGESS  
10 UNITED STATES DISTRICT JUDGE  
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